

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 978

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joe M Stell

AN ACT

RELATING TO LIVESTOCK; AMENDING SECTIONS OF THE CRIMINAL CODE AND THE LIVESTOCK CODE TO PROVIDE FOR JOINT POWERS AGREEMENTS WITH COUNTY SHERIFFS AND THE DEPARTMENT OF PUBLIC SAFETY FOR LAW ENFORCEMENT FUNCTIONS UNDER THE LIVESTOCK CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-18-14 NMSA 1978 (being Laws 2001, Chapter 8, Section 1 and Laws 2001, Chapter 341, Section 1) is amended to read:

"30-18-14. LIVESTOCK CRIMES--LIVESTOCK INSPECTORS TO ENFORCE. -- Those livestock inspectors who are certified peace officers [~~shall~~] may enforce the provisions of Chapter 30, Article 18 NMSA 1978 and other criminal laws relating to livestock. "

Section 2. Section 77-2-1.1 NMSA 1978 (being Laws 1993,

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Chapter 248, Section 2, as amended by Laws 2001, Chapter 8,
2 Section 2 and also by Laws 2001, Chapter 341, Section 2) is
3 amended to read:

4 "77-2-1.1. DEFINITIONS. -- As used in The Livestock Code:

5 A. "animals" or "livestock" means all domestic or
6 domesticated animals that are used or raised on a farm or
7 ranch, including the carcasses thereof, and exotic animals in
8 captivity and includes horses, asses, mules, cattle, sheep,
9 goats, swine, bison, poultry, ostriches, emus, rheas, camelids
10 and farmed cervidae upon any land in New Mexico; provided that
11 for the purposes of Chapter 77, Article 9 NMSA 1978, "animals"
12 or "livestock" have the meaning defined in that article.

13 "Animals" or "livestock" does not include canine or feline
14 animals. For the purpose of the rules governing meat
15 inspection, wild animals, poultry and birds used for human
16 consumption shall also be included within the meaning of
17 "animals" or "livestock";

18 B. "bill of sale" means an instrument in
19 substantially the form specified in The Livestock Code by which
20 the owner or his authorized agent transfers to the buyer the
21 title to animals described in the bill of sale;

22 C. "bison" or "buffalo" means a bovine animal of
23 the [species] genus bison;

24 D. "board" means the New Mexico livestock board;

25 E. "bond" means cash or an insurance agreement from

1 a New Mexico licensed surety or insurance corporation pledging
2 surety for financial loss caused to another, including
3 certificate of deposit, letter of credit or other surety as may
4 be approved by the United States department of agriculture,
5 packers and stockyards administration or the board;

6 F. "brand" means a symbol or device in a form
7 approved by and recorded with the board as may be sufficient to
8 readily distinguish livestock should they become intermixed
9 with other livestock;

10 G. "brand inspector" means an inspector who is not
11 certified as a peace officer;

12 H. "carcasses" means dead or dressed bodies of
13 livestock or parts thereof;

14 I. "cattle" means animals of the genus bos,
15 including dairy cattle, and does not include any other kind of
16 livestock;

17 J. "dairy cattle" means animals of the genus bos
18 raised not for consumption but for dairy products and
19 distinguished from meat breed cattle;

20 K. "director" means the executive director of the
21 board;

22 L. "disease" means a communicable, infectious or
23 contagious disease;

24 M "district" means a livestock inspection
25 district;

underscored material = new
[bracketed material] = delete

1 N. "estrays" means livestock found running at large
2 upon public or private lands, either fenced or unfenced, whose
3 owner is unknown, or that is branded with a brand that is not
4 on record in the office of the board or is a freshly branded or
5 marked offspring not with its branded or marked mother, unless
6 other proof of ownership is produced;

7 O. "inspector" means a livestock or brand
8 inspector;

9 P. "livestock inspector" means ~~[a-certified]~~ an
10 inspector who is [granted full law enforcement powers] employed
11 for enforcement of the non-criminal provisions of The Livestock
12 Code [and other criminal laws relating to livestock] or a law
13 enforcement officer temporarily assigned to enforce criminal
14 provisions of The Livestock Code under a joint powers agreement
15 with the board;

16 Q. "mark" means an ear tag or ownership mark that
17 is not a brand;

18 R. "meat" means the edible flesh of poultry, birds
19 or animals sold for human consumption and includes livestock,
20 poultry and livestock and poultry products;

21 S. "mule" means a hybrid resulting from the cross
22 of a horse and an ass; and

23 T. "person" means an individual, firm, partnership,
24 association, corporation or similar legal entity."

25 Section 3. Section 77-2-7 NMSA 1978 (being Laws 1967,

. 142460. 1

underscored material = new
[bracketed material] = delete

1 Chapter 213, Section 6, as amended) is amended to read:

2 "77-2-7. ADDITIONAL POWERS OF THE BOARD. -- In addition to
3 the powers transferred from the cattle and sheep sanitary
4 boards, the board may:

5 A. exercise general regulatory supervision over the
6 livestock industry of this state in order to protect the
7 industry from theft and diseases and in order to protect the
8 public from diseased or unwholesome meat or meat products;

9 B. appoint and fix the salary of an executive
10 director who shall file an oath and be bonded [~~in an amount~~
11 ~~fixed by the board~~]. The director shall manage the affairs of
12 the board under the direction of the board. He shall be chosen
13 solely on qualifications and fitness for the office. He shall
14 devote his entire time to the duties of the office;

15 C. employ clerical help, provide office space and
16 purchase equipment, including vehicles;

17 D. employ [~~livestock~~] inspectors [~~and brand~~
18 ~~inspectors~~] and other personnel necessary to carry out the
19 purposes of The Livestock Code [~~All livestock inspectors~~
20 ~~appointed by the board shall have the same powers as any other~~
21 ~~peace officer in the enforcement of that code~~];

22 E. appoint a state veterinarian and subordinate
23 veterinarians as are necessary to carry out the duties of the
24 board;

25 F. adopt and promulgate rules to control the

. 142460. 1

underscored material = new
[bracketed material] = del etc

1 importation and exportation of animals;

2 G. establish livestock inspection districts;

3 H. establish quarantine, provide its boundaries and
4 give notice of the quarantine and do all other things necessary
5 to effect the object of the quarantine and to protect the
6 livestock industry of this state from disease and prevent the
7 spread of disease;

8 I. adopt and promulgate rules for meat inspection,
9 including the slaughter and disposition of the carcasses of
10 livestock affected with diseases when the action appears
11 necessary to prevent the spread of any contagion or infection
12 among livestock;

13 J. adopt and promulgate rules governing the
14 importation, manufacture, sale, distribution or use within the
15 state of serums, [~~vaccine~~] vaccines and other biologicals
16 intended for diagnostic or therapeutic uses with livestock and
17 regulate the importation, manufacture or use of virulent blood
18 or living virus of any diseases affecting livestock;

19 K. set fees or charges, not to exceed one hundred
20 dollars (\$100) per call, for [~~any~~] services rendered by the
21 board or its employees that are deemed necessary by the board
22 and for which no fee has been set by statute;

23 L. consider the views of the livestock industry in
24 the administration of The Livestock Code;

25 M adopt and promulgate rules to otherwise carry

. 142460. 1

underscored material = new
[bracketed material] = delete

1 out the purposes of The Livestock Code;

2 N. hold hearings and subpoena witnesses for the
3 purpose of investigating or enforcing The Livestock Code or
4 rules established pursuant to that code; and

5 O. enter into joint powers agreements with Indian
6 nations, tribes or pueblos to promote cooperation in carrying
7 out the provisions of The Livestock Code. "

8 Section 4. Section 77-2-9 NMSA 1978 (being Laws 1967,
9 Chapter 213, Section 8, as amended by Laws 2001, Chapter 8,
10 Section 3 and also by Laws 2001, Chapter 341, Section 3) is
11 amended to read:

12 "77-2-9. REPORTS OF INSPECTORS--JOINT POWERS AGREEMENTS--
13 PROSECUTION OF VIOLATIONS OF LIVESTOCK LAWS.--

14 A. The board shall keep reports of its
15 veterinarians and inspectors in accordance with the Public
16 Records Act.

17 B. The board shall enter into a joint powers
18 agreement with each county sheriff and the department of public
19 safety for the use of certified law enforcement officers in the
20 enforcement of criminal provisions of The Livestock Code.

21 [~~B.~~] C. The board shall assist in the prosecution
22 of persons charged with the violation of the livestock laws,
23 including criminal laws relating to livestock, and may call
24 upon a [~~livestock inspector or other peace~~] law enforcement
25 officer assigned pursuant to Subsection B of this section to

. 142460. 1

1 execute its orders, and when it does, the [peace] law
2 enforcement officer shall obey the order of the board.

3 [C. ~~Livestock inspectors may arrest persons found~~
4 ~~in the act or whom they have probable cause to believe to be~~
5 ~~guilty of driving, holding or slaughtering stolen livestock; of~~
6 ~~violating the inspection laws of the state; or of violating any~~
7 ~~provision of Chapter 30, Article 18 NMSA 1978 relating to~~
8 ~~livestock or other criminal law relating to livestock.]"~~

9 - 8 -

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
underscored material = new
[bracketed material] = delete